

FILED

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

MUR - 1 2010

CLERK, U.S. DISTRICT COURT

By _____ Deputy

DELFINO GONZALEZ,

Applicant,

VS.

NO. 4:09-CV-598-A

RICK THALER, Director,
Texas Department of Criminal
Justice, Correctional
Institutions Division,

Respondent.

ORDER

Came on for consideration the above-captioned action wherein Delfino Gonzalez is applicant and Rick Thaler, Director, Texas Department of Criminal Justice, Correctional Institutions Division, is respondent. This is an application for writ of habeas corpus filed by applicant pursuant to 28 U.S.C. § 2254. On February 4, 2010, United States Magistrate Judge Charles Bleil issued his proposed findings, conclusions and recommendation ("FC&R"), and ordered that the parties file objections, if any, thereto by February 25, 2010. Copies of the proposed FC&R were sent to applicant and respondent. Because timely objections have not been filed, the court adopts Magistrate Judge Bleil's proposed findings and conclusions, accepts Magistrate Judge Bleil's recommendation, and ORDERS that the application be, and is hereby, dismissed as moot.

Pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure, Rule 11(a) of the Rules Governing Section 2254

Proceedings in the United States District Court, and 28 U.S.C. § 2253(c), for the reasons discussed herein, the court further ORDERS that a certificate of appealability be, and is hereby, denied, as applicant has not made a substantial showing of the denial of a constitutional right.

SIGNED March 1, 2010.

JOHN McRYDE
United States District Judge